

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

WENDY W. FRICKEY and )  
KEITH FRICKEY, )  
                        )  
**Plaintiffs,**         )  
                        )  
v.                      )      Case No. \_\_\_\_\_  
                        )  
PROGRESSIVE CASUALTY )  
INSURANCE COMPANY and )  
PROGRESSIVE HAWAII    )  
INSURANCE CORPORATION, )  
                        )  
**Defendants.**         )

**NOTICE OF REMOVAL**

**COME NOW** the Defendants, Progressive Casualty Insurance Company and Progressive Hawaii Insurance Corporation, by and through their undersigned counsel of record, and give Notice to the Court as follows:

1. On February 20, 2009, the above-named Plaintiffs, Wendy W. Frickey and Keith Frickey, filed their Complaint in the Circuit Court of Davidson County, Tennessee against the above-named Defendants, bearing case number 09-C-585.
2. A copy of the Complaint which was served upon the Defendants is attached hereto and filed herewith. These are all of the process, pleadings and orders which have been served upon the Defendants.
3. Upon information and belief, Plaintiffs were at the time of the commencement of said action and still are citizens and residents of Davidson County, Tennessee.
4. Defendant Progressive Casualty Insurance Company was at the time of the commencement of said action and still is a corporation organized under the laws of the State of Ohio and of no other state, with its principal office Mayfield Village, in Cuyahoga County, Ohio.

5. Defendant Progressive Hawaii Insurance Corporation was at the time of the commencement of said action and still is a corporation organized under the laws of the State of Ohio and of no other state, with its principal office at Mayfield Village, in Cuyahoga County, Ohio.

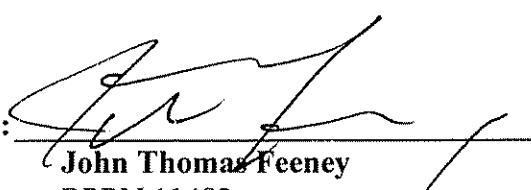
6. The amount in controversy in said action exceeds the sum or value of Seventy-Five Thousand and 00/100 Dollars (\$ 75,000.00), exclusive of interest and costs; is wholly between the citizens of different States; is within the jurisdiction of this Court, pursuant to the provisions of 28 U.S.C. § 1332; and is removable to this Court, pursuant to the provisions of 28 U.S.C. § 1441.

7. This Notice is filed within thirty (30) days of the filing of the Complaint in the Circuit Court of Davidson County, Tennessee.

**WHEREFORE, PREMISES CONSIDERED**, the Defendants pray this Court accept this Notice and proceed with the action heretofore referred to in accordance with law.

Respectfully submitted,

**FEENEY & MURRAY, P.C.**

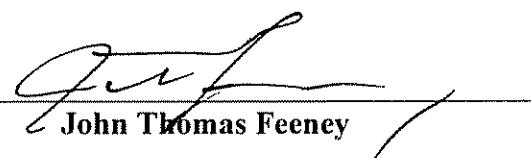
By:   
John Thomas Feeney  
BPRN 11482  
Attorney for Defendants  
P.O. Box 198685  
Nashville, Tennessee 37219-8685  
(615) 242-3700

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I have forwarded a true and correct copy of the foregoing, via **United States Mail, postage prepaid**, to:

Ms. Julie-Karel Elkin, Esq.  
417 Washington Square  
222 Second Avenue North  
Nashville, Tennessee 37201

This, the 18<sup>th</sup> day of March, 2009.

  
John Thomas Feeney